

### **REMARKS**

Claims 23-41 are pending in this application.

By this Amendment, claims 8-10, 12, 13, and 20-22 have been canceled. Claims 23-41 have been added. The amendments clarify the presently claimed invention and place this application into better condition for examination. The claim amendments are supported by the specification and the originally filed claims.

In particular, support for new claim 23 can be found in paragraph [0048]; support for new claim 24 can be found in paragraph [0034]; support for new claim 25 can be found in paragraph [0036]; support for new claim 26 can be found in paragraph [0048]; support for new claim 27 can be found in paragraph [0075]; and support for new claim 29 can be found in paragraph [0044] of the application as originally filed. No new matter has been added. Claims 23-41 are pending and respectfully submitted for consideration.

### **Rejections Under 35 U.S.C. § 112**

Claims 8-10, 12, 13, 20 and 21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As claims 8-10, 12, 13, 20 and 21 have been canceled. The rejection is now rendered moot.

### **Rejections Under 35 U.S.C. § 102**

Claims 8, 9, 13, 20 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ohira et al. (U.S. Patent No. 5,748,607, "Ohira"). As claims 8, 9, 13, 20 and 21 have been canceled, the rejection is now rendered moot. In addition, the

Applicants respectfully submit that new claims 23-41 recite subject matter that is neither disclosed nor suggestion by Ohira.

**Rejections Under 35 U.S.C. § 103**

Claims 10, 12 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious over Ohira in view of Miyazaki et al. (U.S. Patent No. 4,931,337, "Miyazaki"). The Office Action acknowledged that Ohira does not disclose first and second recording layers made of different organic dye material. Miyazaki was cited for teaching recording layers 2a and 2b with two or more kinds of organic dyes. See column 33, lines 15-16 of Miyazaki. As claims 10, 12 and 22 have been canceled, the rejection is now rendered moot.

The Applicants submit, however, that claims 23-41 recite subject matter that is neither disclosed nor suggested by the combination of Ohira and Miyazaki. In particular, neither Ohira nor Miyazaki disclose or suggest at least the features of a first recording layer formed from a first dye material and, a second recording layer being formed from a second dye material, as recited in claims 23, 29 and 35. Miyazaki also does not disclose or suggest at least the features of a contrast between a recorded section and an unrecorded section of the second recording layer being larger than a contrast between a recorded section and an unrecorded section of the first recording layer, as recited in claim 23, a difference of reflectance between a section with pits recorded thereon and an unrecorded section of the second recording layer is larger than that of reflectance between a section with pits recorded thereon and an unrecorded section of the first recording layer as recited in claim 29; and a contrast between a written section and a non-written section of the second recording layer is larger than a

contrast between a written section and a non-written section of the first recording layer as recited in claim 35.

Further, the Applicants submit that the disc in Ohira is a disc that has recordings thereon. Therefore, one of ordinary skill in the art would not be motivated to add the dyes of Miyazaki to the previously-recorded disc of Ohira. As such, it would not have been obvious to combine Ohira and Miyazaki as suggested in the Office Action.

### **Conclusion**

Applicant respectfully submits that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107156-00060.**

Respectfully submitted,



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Enclosures: Request for Continued Examination  
Petition for Extension of Time (one month)